

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

BRENDA NIXON,

Plaintiff,

v.

GRANDE COSMETICS, LLC,

Defendant.

Case No. 1:22-cv-06639

**APPLICATION FOR AN EXTENSION OF  
TIME TO FILE RULE 12 MOTION TO  
DISMISS PLAINTIFF'S COMPLAINT  
(N.J. L. CIV. R. 6.1)**

Application is hereby made for an Order extending the time within which Defendant Grande Cosmetics, LLC ("Grande") may file its Rule 12 motion to dismiss Plaintiff Brenda Nixon's ("Plaintiff") Complaint until March 23, 2023 or upon the Court's ruling on Grande's anticipated motion to stay this action, and it is represented that:

1. Grande's current deadline to file its Rule 12 motion is February 3, 2023; Plaintiff's response to the motion is due on or before February 24, 2023; and Grande's reply is due on or before March 10, 2023. (Dkt. No. 14.)

2. As referenced in the parties' pre-motion letters (Dkt. Nos. 9, 11), in January 2022, plaintiff Alexandra Mandel commenced a class action against Grande based upon identical allegations and raises nearly the same claims as Plaintiff asserts here. *See Mandel v. Grande Cosmetics, LLC*, No. 22-cv-0071, Dkt. No. 1 (N.D. Cal.). Attached hereto as **Exhibit A** is the *Mandel* docket.

3. The parties in *Mandel* recently signed a term sheet concerning a nationwide class, are working to finalize a settlement agreement, and notified the *Mandel* court of the same. (*See* Ex. A, Dkt. No. 44.)

4. On January 24, 2023, the *Mandel* court issued an order staying that action pending the deadline to file a motion for preliminary approval of the settlement, which is March 23, 2023. (*Id.*, Dkt. No. 45.)

5. Upon the motion for preliminary approval of the nationwide settlement in *Mandel*, Grande intends to file a motion to stay the instant proceeding pending final approval in *Mandel*. If the nationwide settlement is approved by the *Mandel* court, it will preclude the class claims that Plaintiff asserts in her Complaint.

6. The instant application for an extension will conserve both the Court's and parties' time and resources on litigation that will ultimately serve little to no purpose if the *Mandel* nationwide settlement is approved. Therefore, good cause exists for this Court to extend Grande's time to file its Rule 12 motion until March 23, 2023 or upon the Court's ruling on Grande's anticipated motion to stay this action.

7. Grande's application is timely, as it is being made prior to the expiration of its current time to file its Rule 12 motion (i.e., February 3, 2023).

8. The parties made two prior requests for extensions of time, which were granted. (Dkt. Nos. 6, 14.) With regard to the second extension request, Plaintiff was agreeable only to a ten (10) day extension to February 3, 2023 (the current deadline for Grande to file its Rule 12 motion).

9. Plaintiff does not consent to this application for an extension.

Accordingly, Grande respectfully requests the Court enter an order that extends Grande's time to file its Rule 12 motion until March 23, 2023 or upon the Court's ruling on Grande's anticipated motion to stay this action.

Dated: January 30, 2023

By: /s/ Christopher Fontenelli  
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**CERTIFICATE OF SERVICE**

I, Christopher Fontenelli, hereby certify that on the 30th day of January, 2023, I caused a true and correct copy of the foregoing to be served on counsel for all parties entitled to notice by electronic filing on the court's ECF system.

By: /s/ Christopher Fontenelli  
Christopher Fontenelli